



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-4719  
**Type:** Zoning Case  
**In control:** City Council A Session  
**On agenda:** 8/20/2020  
**Title:** ZONING CASE Z-2020-10700115 CD (Council District 3): Ordinance amending the Zoning District Boundary from "NP-15 MLOD-3 MLR-1" Neighborhood Preservation Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District to "NP-15 CD MLOD-3 MLR-1" Neighborhood Preservation Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District with a Conditional Use for a Noncommercial Parking Lot on 0.533 acres out of NCB 10760, located at 251 Elaine Road. Staff and Zoning Commission recommend Approval.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Metes and Bounds, 6. Ordinance 2020-08-20-0576

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 3

**SUBJECT:** Zoning Case Z2020-10700115 CD

### SUMMARY:

**Current Zoning:** "NP-15 MLOD-3 MLR-1" Neighborhood Preservation Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District

**Requested Zoning:** "NP-15 CD MLOD-3 MLR-1" Neighborhood Preservation Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 District with a Conditional Use for a Noncommercial Parking Lot

### BACKGROUND INFORMATION:

**Zoning Commission Hearing Date:** July 7, 2020

**Case Manager:** Lorianne Thennes, Planner

**Property Owner:** Robertina Rodriguez-Patino

**Applicant:** Joseph Tober

**Representative:** Joseph Tober

**Location:** 251 Elaine Road

**Legal Description:** 0.533 acres out of NCB 10760

**Total Acreage:** 0.533 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 9

**Registered Neighborhood Associations within 200 feet:** None

**Applicable Agencies:** Martindale Army Airfield

**Property Details**

**Property History:** The subject property was annexed into the city by Ordinance 18115, dated September 25, 1952 and was originally zoned "A" Residence District. The previous "A" district converted to "R-5" Single-Family Residential District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 2001. The property was rezoned to "NP-15" by Ordinance 2014-06-05-0401, dated June 5, 2014.

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "C-2"

**Current Land Uses:** Credit union, retail uses

**Direction:** East

**Current Base Zoning:** "C-1," "C-2" and "C-3"

**Current Land Uses:** Insurance and law offices, auto shop, restaurants, hair salon

**Direction:** South

**Current Base Zoning:** "R-20" and "C-1 CD"

**Current Land Uses:** Single-family dwellings, funeral home

**Direction:** West

**Current Base Zoning:** "NP-15"

**Current Land Uses:** Single-family dwellings

**Overlay and Special District Information:**

"MLOD-3"

All surrounding properties carry the "MLOD-3" Military Lighting Overlay District, due to their proximity to Martindale Army Airfield. The "MLOD-3" does not restrict permitted uses, but does regulate outdoor lighting in an effort to minimize night-time light pollution and its effects on operations at the military installation.

**Transportation**

**Thoroughfare:** South WW White

**Existing Character:** Primary Arterial A

**Proposed Changes:** None

**Public Transit:** There are VIA bus routes within walking distance of the subject property.

**Routes:** 30, 230, 552

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** The minimum parking requirement for a noncommercial parking lot is non-applicable.

**ISSUE:** None.

#### **ALTERNATIVES:**

**Current:** The current “NP-15” Neighborhood Preservation District is designed to protect properties zoned "R-A," "R-1a," "R-1b," or "R-1c" prior to June 4, 2001 and existing platted subdivisions which are substantially developed with single-family detached dwelling units. It is the policy of the city that these districts will be applied only to properties zoned "R-A," "R-1a," "R-1b," or "R-1c" prior to June 4, 2001 or platted subdivisions which are recorded as of the effective date of this chapter, in order to prevent such subdivisions from being further subdivided in a manner in order to avoid congestion in the streets, prevent safety hazards, protect the health and general welfare of subdivision residents, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of public facilities. The "NP" districts are not appropriate for the down zoning of unsubdivided parcels or tracts.

**Proposed:** The proposed “NP-15 CD” Neighborhood Preservation District is designed to protect properties zoned "R-A," "R-1a," "R-1b," or "R-1c" prior to June 4, 2001 and existing platted subdivisions which are substantially developed with single-family detached dwelling units. It is the policy of the city that these districts will be applied only to properties zoned "R-A," "R-1a," "R-1b," or "R-1c" prior to June 4, 2001 or platted subdivisions which are recorded as of the effective date of this chapter, in order to prevent such subdivisions from being further subdivided in a manner in order to avoid congestion in the streets, prevent safety hazards, protect the health and general welfare of subdivision residents, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of public facilities. The "NP" districts are not appropriate for the down zoning of unsubdivided parcels or tracts.

The “CD” allows for consideration of noncommercial parking lot.

**FISCAL IMPACT:** None.

#### **PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The property is not within a regional center but is within a premium transit corridor.

#### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (10-0) recommend Approval.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

##### **1. Consistency:**

The subject property is located within the Eastern Triangle Community Plan and is currently designated as

“Low Density Residential.” The requested “NP-15 CD” is consistent with the future land use designation.

**2. Adverse Impacts on Neighboring Lands:**

Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The base “NP-15” zoning district will remain the same.

**3. Suitability as Presently Zoned:**

The current “NP-15” Neighborhood Preservation District is an appropriate zoning for the property and surrounding area. The proposed “CD” Conditional Use will allow for a non-commercial parking lot, while maintaining the base “NP-15” district.

**4. Health, Safety and Welfare:**

Staff has not found indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

The proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Eastern Triangle Community Plan:

Objective 7.2: Attract new businesses to the Eastern Triangle

Goal 8: Expand and build thriving commercial corridors

Objective 9.1: Increase range of family-oriented businesses and services within the Eastern Triangle

**6. Size of Tract:**

The subject property is 0.60 acres, which could reasonably accommodate a noncommercial parking lot.

**7. Other Factors:**

The subject property is located within the Martindale Army Air Field Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request. The Military has indicated there are no objections to the request.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

The following conditions shall apply to the operation of **nonresidential conditional uses** permitted within any residential district, unless otherwise approved by the City Council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business hours operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.

The proposed noncommercial parking lot is to support a restaurant on an abutting lot fronting on South WW White Road.